

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EFRAIN SUAREZ,

Plaintiff,

v.

ORDER
03-CV-809

ERICKSON,
KREMER,
CHRISTOFARO,
LONGWELL,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1), on December 20, 2004. On October 27, 2004, plaintiff filed a motion for default judgment. On August 9, 2005, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiff's motion for default judgment or summary judgment be denied.

Plaintiff filed objections to the Report and Recommendation on September 2, 2005.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion for default judgment or summary judgment is denied. The case is referred back to Magistrate Judge Scott for further proceedings.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: September 25 , 2005